

***State of Rhode Island and Providence Plantations***  
***Rhode Island Department of Children, Youth and Families***



*As active members of the community, we share a vision that all children, youth and families reach their fullest potential in a safe and nurturing environment*

July 14, 2004

Dear Parent or Guardian:

On July 1, 2004, the Department of Children, Youth and Families began referring families to the Office of Child Support Enforcement within the Division of Taxation if a child has been in a DCYF funded placement for more than thirty (30) days. This action is based on federal and state requirements that parents should, whenever possible, contribute to the cost of maintaining their child in a state funded placement.

The referral to the Office of Child Support Enforcement applies to all new cases of children/youth coming into placement as well as all children currently in a placement funded by the Department. Cases will be reviewed by DCYF to determine if it is appropriate for a referral to the Office of Child Support Enforcement; however, we expect that most cases will be referred for some level of support. Please see the enclosed DCYF Policy 100.0040 for details on the referral decision making process. Cases where children are currently in placement will be reviewed within the next six to twelve months and, if appropriate, a referral will be made to the Office of Child Support Enforcement.

When a referral to the Office of Child Support Enforcement is made, that office will file an affidavit with the Rhode Island Family Court, where a hearing will be held on the matter. You have the right to appear at the hearing. If the Family Court enters an order for support, it will remain in effect until the child leaves paid placement or there is a change in circumstances which warrants an adjustment to the support order. In setting the amount of the support order, the Family Court will consider your ability to pay.

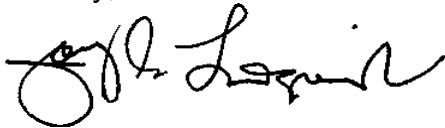
The following documents are provided in this packet for your review:

- DCYF Form 055A, Responsibilities of Parents and Legal Guardians
- DCYF Policy 100.0040, Child Support Enforcement for Children in DCYF Care
- RI General Law 15-9-1, Relating to Support of Children
- RI Family Court Administrative Order Relating to Child Support Formula and Guidelines

At this time it is not necessary for you to take any action. If your case is referred for support, you will be notified in writing and provided with further instructions.

Thank you for understanding that the care of your child is a partnership between the State of Rhode Island and your family. If you have any questions regarding this matter, you may send an e-mail ([webmaster@dcyf.ri.gov](mailto:webmaster@dcyf.ri.gov)) or call my office at 528-3540.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay G. Lindgren, Jr.", with a stylized, cursive script.

Jay G. Lindgren, Jr.  
Director

Enclosure

JL/cbw

**State of Rhode Island  
Department of Children, Youth and Families**

**CHILD SUPPORT ENFORCEMENT DISCLOSURE PACKET**

**Contents:**

DCYF Form 055A, Responsibilities of Parents and Legal Guardians

DCYF Policy 100.0040, Child Support Enforcement for Children in DCYF Care

RI General Law 15-9-1, Relating to Support of Children

RI Family Court Administrative Order Relating to Child Support Formula and Guidelines

**JULY 1, 2004**

**Rhode Island Department of Children, Youth and Families**  
**Child Support Enforcement for Children in DCYF Care**  
**Responsibilities of Parents and Legal Guardians**

If your child is being placed outside of the home, voluntarily or by legal action, a DCYF representative will inform you of the Department's child support enforcement policy and provide you with a **Child Support Enforcement Disclosure Packet**. The packet includes DCYF policy, RI General Law (RIGL) §15-9-1 and RI Family Court Child Support Formula and Guidelines.

R.I.G.L. §15-9-1 provides that whenever the DCYF pays for the support of a child in the care of DCYF, the parents of the child are responsible to contribute to the cost of the child's care. DCYF will make a referral to the Office of Child Support Enforcement (CSE), located within the RI Department of Administration's Division of Taxation to seek child support enforcement when a child has been in the Department's care and is in an out-of-home paid placement for more than thirty (30) days, and has not attained the age of eighteen (18) at the time of placement.

DCYF will not make a referral to CSE in the following situations:

- Family is receiving FIP or was receiving FIP prior to removal of children by DCYF.
- Parent is mentally or physically incapacitated and receiving disability benefits.
- Parent is receiving payment for a child through an Adoption Subsidy Agreement with DCYF when it can reasonably be determined that the child has come into the care of DCYF as a direct result of a pre-adoptive condition and the adoptive parent agrees to accept a decreased adoption subsidy payment while the child remains in placement.
- Parent is working toward reunification with child consistent with the case plan, there appears to be a substantial likelihood that reunification will occur within 60 days and the referral will impede the parent's ability to reunify with the child.

DCYF will review cases that have not been referred to CSE annually to determine if the circumstances of the family have changed and if a referral to CSE is now appropriate.

The CSE unit, in accordance with R.I.G.L. §15-9-3, represents DCYF in Family Court proceedings relating to child support enforcement.

One or both parents, owing a duty of support, may be ordered by the Family Court to pay an amount based upon a formula and guidelines adopted by an administrative order of the Family Court. The formula and guidelines have been established in compliance with Federal law [42 U.S.C. 667] and regulation [45 CFR 302.56]. Once established, the obligation will remain in effect until the child leaves DCYF paid placement or until a change in circumstance warrants an adjustment in the application of the guidelines. The parent's responsibility to provide financial support is not automatically terminated upon the voluntary or involuntary termination of parental rights.

All Special Education costs for a child, as defined by the Federal Individuals with Disabilities Education Act (IDEA), are excluded from parental contribution by Federal and State law. Special education program costs are generally defined as costs associated with any services required by a child's Individualized Education Plan (IEP).

# Child Support Enforcement for Children in DCYF Care

Rhode Island Department of Children, Youth and Families

**Policy: 100.0040**

*Effective Date: October 8, 1984 Revised Date: July 1, 2004 Version: 3*

The mission of the Department of Children, Youth and Families is to assist families with their primary responsibility to raise their children to become productive members of society and to promote, safeguard and protect the overall well-being of children, youth and families and the communities in which they live through a partnership with families, communities and government. The Department engages in family centered practice and preserving the family unit is a major focus of Departmental involvement. When the parent is unable to provide for the emotional and physical needs of his/her child, it is the responsibility of the Department to offer necessary assistance and guidance to ensure that the child's physical and emotional needs are met, to secure permanency and stability in the life of the child and to make reasonable efforts to preserve the integrity of the family unit.

The Department of Children, Youth and Families is obligated pursuant to Rhode Island General Laws (RIGL) 42-72-13 and 42-72-14, within available appropriations, to pay for the support and maintenance of any child in placement in any one of the Department's institutions or facilities whether public or private or under a purchase of services agreement. Rhode Island and Federal law acknowledge and reinforce the role and responsibility of the parent as the primary source of support for a child. Parental responsibility is not eliminated by the voluntary or involuntary placement of a child outside his/her home and family. R.I.G.L. §15-9-1 provides that whenever the Department of Children, Youth and Families pays for the support of a child in the care of the Department, the parents of the child are responsible to contribute to the cost of the child's care. The failure or refusal of a parent to comply with a Family Court order for child support pursuant to this policy shall not result in a denial of services to the child.

Section 471 (a) (17) of the Federal Social Security Act requires the Department to make a referral for child support enforcement, where appropriate, on behalf of a child receiving Title IV-E foster care to the state's Title IV-D agency, Child Support Enforcement (CSE), located within the RI Department of Administration's Division of Taxation. DCYF is afforded some degree of flexibility in determining which cases are appropriate for referral. The DCYF worker and supervisor determine if a case is appropriate to refer to the title IV-D agency on an individual basis, considering the best interests of the child and the circumstances of the family.

The Child Support Enforcement (CSE) unit, in accordance with the provisions of R.I.G.L. §15-9-3, shall represent DCYF in any Family Court proceedings relating to child support enforcement. The responsibilities of the respective Departments and of the Rhode Island Family Court are set forth in an Interagency Cooperative Agreement executed by and between the Family Court, the Department of Administration and the Department of Children, Youth and Families.

One or both parents, owing a duty of support, are ordered by the Family Court to pay an amount based upon a formula and guidelines adopted by an administrative order of the Family Court. The formula and guidelines have been established in compliance with Federal law [42 U.S.C. 667] and regulation [45 CFR 302.56], which provide that each state must establish guidelines for child support award amounts within the State. The intent is to maintain family responsibility and commitment to the child, by using guidelines which are fair and equitable and which will not result in family impoverishment or conflict with the goal of reunification of the family. Once established, the obligation will remain in effect until such time as the child leaves Department paid placement or until a change in circumstance warrants an adjustment in the application of the guidelines. The parent's responsibility to provide financial support is not automatically terminated upon the voluntary or involuntary termination of parental rights.

All Special Education costs for a child, as defined by the Federal Individuals with Disabilities Education Act (IDEA), are excluded from parental contribution by Federal and State law. Special education program costs are generally defined as costs associated with any services required by a child's Individualized Education Plan (IEP). This is consistent with the Department's recognition of the requirements of State and Federal law which entitle all children to an appropriate education at public expense and that parents cannot be compelled to contribute to the cost of such education.

The Department will generally make a referral to CSE to seek child support enforcement when a child has been in the Department's care and is in an out-of-home paid placement (e.g., foster care, residential facility) for more than thirty (30) days, and has not attained the age of eighteen (18) at the time of placement. However, the Department is allowed some discretion in determining if a referral should be made to CSE. If it is determined that one of the following situations exists, a referral will not be made to CSE.

- Family is FIP recipient or was FIP recipient prior to removal of children by DCYF.
- Parent is mentally or physically incapacitated and receiving disability benefits.
- Parent is receiving adoption subsidy payment for a child through an Adoption Subsidy Agreement with the Department when it can reasonably be determined that the child has come into the care of the Department as a direct result of a pre-adoptive condition and the adoptive parent agrees to accept a decreased adoption subsidy payment while the child remains in placement.
- Parent is working toward reunification with child consistent with the case plan, there appears to be a substantial likelihood that reunification will occur within 60 days and the referral will impede the parent's ability to reunify with the child.

In all situations in which a child is placed outside of the home, voluntarily or by legal action, the worker and/or supervisor must fully discuss the Department's child support enforcement policy with the parent(s). Additionally, worker and/or supervisor must provide the parent with a **Child Support Enforcement Disclosure Packet** which includes a copy of this policy and procedure, a copy of RIGL 15-9-1 and a copy of the RI Family Court Child Support Formula and Guidelines.

Related Procedures...

[Child Support Enforcement for Children in DCYF Care](#)

## ***Child Support Enforcement for Children in DCYF Care***

### **Procedure from Policy 100.0040: Child Support Enforcement for Children in DCYF Care**

- A. Worker and/or supervisor must inform the parent of the Department's child support enforcement policy.
  - 1. In all situations in which a child is being considered for voluntary out of home placement and care with the Department, at the point of initial contact with the family, this policy concerning child support enforcement for children in the care of the Department shall be fully discussed with the family by the DCYF worker and/or supervisor.
  - 2. In all situations in which a child has been involuntarily removed to out-of-home placement and care of the Department, within thirty (30) days of such removal and placement, this policy concerning child support enforcement for children in the care of the Department shall be fully discussed with the family by the Department representative who is in contact with the family.
  - 3. In all situations in which a child is placed outside of the home, voluntarily or involuntarily, the worker and/or supervisor shall provide to the parent(s) a **Child Support Enforcement Disclosure Packet** which includes a copy of this policy and procedure, a copy of RIGL 15-9-1 and a copy of the RI Family Court Child Support Formula and Guidelines.
- B. The Department will generally make a referral to CSE to seek child support enforcement when a child has been in the Department's care and is in an out-of-home paid placement (e.g., foster care, residential facility) for more than thirty (30) days, and has not attained the age of eighteen (18).
- C. Certain cases are automatically exempted from being referred to CSE.
  - 1. Family is FIP recipient or was FIP recipient prior to removal of children by DCYF.
  - 2. Parents are mentally or physically incapacitated and receiving disability benefits as determined by:
    - a. Receipt of a disability payment (SSI)
    - b. Determination of incapacity by the RI Department of Human Services (DHS)
    - c. Determination of incapacity by the Social Security Administration or Veterans Administration (worker must obtain from parent(s) a copy of the disability award letter and provide to Federal Benefits)
- D. Family Service Unit (FSU) Social Caseworker and supervisor or Probation Officer and supervisor may determine that a case is not appropriate to refer to CSE on an individual basis, considering the best interests of the child and the circumstances of the family. Worker and supervisor can pursue an exemption in the following limited situations.
  - 1. Parent is receiving adoption subsidy payment for a child through an Adoption Subsidy Agreement with the Department when it can reasonably be determined that the child has come into the care of the Department as a direct result of a pre-adoptive condition and the adoptive parent agrees to accept a decreased adoption subsidy payment while the child remains in placement.
  - 2. Parent is working toward reunification with child consistent with the case plan, there appears to be a substantial likelihood that reunification will occur within 60 days and the referral will impede the parent's ability to reunify with the child.
- E. If FSU Social Caseworker and supervisor or Probation Officer and supervisor decide to pursue an exemption for the family, the following steps are completed:
  - 1. The DCYF Form #055, **Child Support Enforcement Exemption Request**, is completed by worker and approved by Supervisor and Regional Director or administrator.

2. The exemption form is sent to Federal Benefits within 30 days of the child's placement in order to prevent a referral to CSE.
  3. If it is determined, at any time after the referral to seek child support is made to CSE, that the circumstances of the case warrant an exemption, the exemption form can be forwarded to Federal Benefits. Federal Benefits staff will notify CSE to terminate the child support case.
- F. Federal Benefits staff will process the request for a birth certificate for a child in out of home placement.
1. Assigned primary worker or supervisor must ensure that all relevant, available information is entered into RICHIST in order to complete the birth certificate process (e.g., birth place, mother's maiden name, father's name, a.k.a. names for child, etc.)
  2. Federal Benefits staff processes the DCYF #194, **Application for Certified or Non-Certified Copy of Birth Record** and forwards to Vital Statistics at the Department of Health thirty (30) days after an out of home living arrangement has been entered into RICHIST for a child in the temporary custody or custody of the Department.
  3. The status of the request is indicated in the person management screen in RICHIST:
    - a. birth certificate request sent to DOH
    - b. birth certificate request not sent to DOH (reason drop down)
    - c. birth certificate received from DOH, original sent to worker
    - d. DOH unable to process the birth certificate request (reason drop down)
    - e. regenerate application
  4. When Federal Benefits receives the child's birth certificate, a copy is included in the medical record and the original certified copy will be sent to the primary worker.
- G. Referral to CSE
1. Thirty days after a paid placement has been entered into RICHIST, the Federal Benefits Eligibility Technician electronically receives a report identifying cases that will be referred to CSE.
  2. The Eligibility Technician submits an electronic referral to CSE to seek child support by completing the absent parent panel in the DHS data base (InRhodes).
  3. Federal Benefits staff forwards a copy of child's birth certificate to CSE.
- H. The Child Support Enforcement (CSE) unit represents DCYF in all Family Court proceedings relating to child support enforcement.
- I. Redetermination and Termination of Child Support
1. Cases that have not been referred to CSE will be reviewed annually by Federal Benefits staff. If the circumstances of the family meet referral criteria, the case will be referred to CSE by Federal Benefits.
  2. Once established, a child support obligation will remain in effect until the child leaves DCYF funded placement or until a change in circumstance warrants an adjustment in the application of the guidelines.
  3. The parent's responsibility to provide financial support is not automatically terminated upon the voluntary or involuntary termination of parental rights. In those cases in which there is a pre-existing order for child support, the Department will make a recommendation to the Family Court at the time of the termination of parental rights to continue or to terminate the child support order.



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1 after considering all relevant factors, including, but not limited to:

2 (1) The financial resources of the child;

3 (2) The financial resources of the custodial parent;

4 (3) The standard of living the child would have enjoyed had the marriage not been

5 dissolved;

6 (4) The physical and emotional condition of the child and his or her educational needs;

7 and

8 (5) The financial resources and needs of the non-custodial parent.

9 (b) If it deems necessary or advisable, the court may order child support and education

10 costs for children attending high school at the time of their eighteenth (18th) birthday and for

11 ninety (90) days after graduation, but in no case beyond their nineteenth (19th) birthday. In

12 addition, the court may order the support of a child with a severe physical or mental impairment

13 to continue until the twenty-first (21st) birthday of the child.

14 (c) After a decree for support has been entered and upon the petition of either party, the

15 court may review and alter its decree relative to the amount and payment of support. If the court

16 finds that a substantial change in circumstances has occurred, the decree may be made retroactive

17 to the date that notice of a petition to modify was given to the adverse party. In such a case the

18 court shall set forth in its decision the specific findings of fact which show a substantial change in

19 circumstances and why the decree should be made retroactive.

20 (d) Any order for child support issued by the family court shall contain a provision

21 requiring either or both parents owing a duty of support to a child to obtain health insurance

22 coverage for the child when such coverage is available to the parent or parents through their

23 employment without cost or at a reasonable cost. "Reasonable cost" shall be defined in

24 accordance with guidelines adopted by administrative order of the family court in conjunction

25 with the child support guidelines.

26 (e) Any existing child support orders may be modified in accordance with this section

27 unless the court makes specific written findings of fact that take into consideration the best

28 interests of the child and conclude that a child support order or medical order would be unjust or

29 inappropriate in a particular case.

30 (f) In addition, the national medical support notice shall be issued with respect to all

31 orders issued, enforced, or modified on or after October 1, 2002, in accordance with chapter 15-

32 29. The notice shall inform the employer of provisions in the child support order for health care

33 coverage for the child and of the method to implement this coverage. In lieu of the court ordering

34 the non-custodial parent to obtain or maintain health care coverage for the child, the court may

1 order the non-custodial parent to contribute a weekly cash amount towards the medical premium  
2 for health care coverage paid by the state of Rhode Island and/or the custodial parent. The method  
3 to determine a reasonable weekly amount shall be addressed in a family court administrative  
4 order pertaining to the child support guidelines.

5 (g) All support orders established or modified in the state on or after October 1, 1998,  
6 shall be recorded with the Rhode Island family court/department of administration, division of  
7 taxation child support computer enforcement system. The system maintains the official registry  
8 of support orders entered in accordance with applicable administrative orders issued by the Rhode  
9 Island family court.

10 (h) In any subsequent child support enforcement action between the parties, upon  
11 sufficient showing that a diligent effort has been made to ascertain the location of such a party,  
12 the court may allow for notice and service of process to be made by first class mail or by service  
13 of written notice to the most recent residential or employer address of record, as specified in the  
14 Rhode Island rules of procedure for domestic relations for the Family Court of Rhode Island.

15 ~~(e)~~(i) The department of children, youth, and families shall not seek ~~reimbursement~~ child  
16 support for services to the child which are special education services as defined under state and  
17 federal law and pursuant to the regulations of the board of regents for elementary and secondary  
18 education governing the special education of students with disabilities, section two, I., 1.0-4.11  
19 and 34 C.F.R. Part 300.

20 SECTION 2. This article shall take effect upon passage.  
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RHODE ISLAND FAMILY COURT

ADMINISTRATIVE ORDER 2002-03  
(Amending Administrative Order 97-8)

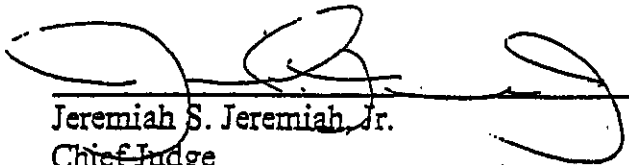
RE: RHODE ISLAND FAMILY COURT CHILD SUPPORT FORMULA  
AND GUIDELINES

The Monthly Basic Child Support Obligations Schedule set forth in  
Administrative Order 97-8 has been amended.

The amended schedule is attached hereto and becomes effective on October 1,  
2002. Please refer to the attached Note for an explanation of the new schedule, amended  
Child Support Guideline Worksheet, and the revised Gross to Net Income Conversion  
Table.

Date

7/30/02

  
Jeremiah S. Jeremiah, Jr.  
Chief Judge

Note Re:

Administrative Order 2002-03

Rhode Island Family Court  
Child Support Formula and Guidelines

In accordance with federal requirements, the Rhode Island Family Court conducted a review of the 1997 Child Support Guidelines for the payment of child support. In 2001, a Task Force on Revision of the Child Support Guidelines reviewed updated data on the cost of raising a child as well as analyzed case information on the application of and deviation from the 1997 guidelines. The revised tables and data were provided by Policy Studies, Inc. of Denver, Colorado, the company which had previously supplied the 1992 and 1996 economic data.

The Task Force completed its work in June of 2002. The Task Force submitted a final report along with a proposed 2002 Monthly Basic Child Support Obligations Schedule, a proposed 2002 Gross to Net Income Conversion Table and a proposed revised Family Court Child Support Guideline Worksheet. The Task Force also furnished suggested approaches to such issues as defining "Reasonable Cost" for an obligor to obtain health coverage, a cash contribution for obligors who cannot provide health coverage at a reasonable cost, the manner in which Supplemental Security Income (SSI) payments received by a child is treated and Child Support Orders in cases where the combined monthly gross income exceeds Twenty Thousand Dollars (\$20,000).

Consequently, the Rhode Island Child Support Guideline Schedule of Basic Child Support Obligations, promulgated in Administrative Order 97-8, has been amended. The amended Monthly Basic Child Support Obligations Schedule is attached hereto and becomes effective on October 1, 2002.

The revised schedule incorporates economic changes which have occurred since 1997 in federal tax rates, federal poverty guidelines, inflation and price levels. The federal self-support reserve has been increased to correspond with increases in the poverty level since the last revision in 1997. The inclusion of a self-support reserve insures that obligors have sufficient income to maintain a minimum standard of living. The 2002 federal poverty guideline (self-support reserve) for one person is \$804 gross income per month. However, absent a deviation, the recommended minimum support order set forth in the schedule is Fifty Dollars (\$50) per month to establish an obligor's duty to support his or her children.

The policy contained within Administrative Order 97-8, which provides that the custodial parent is entitled to claim the federal tax exemption for children due child support will remain in full force and effect. Therefore, if the non-custodial parent has been assigned the tax exemption, the basic child support obligation should be adjusted above the minimum set forth in the schedule to account for the added tax benefit to the

non-custodial parent. Additionally, the policy that the schedule is intended to serve as a floor or base, and not as a ceiling or cap in setting child support obligations is affirmed. Accordingly, the Court should order basic child support orders, in certain circumstances, in amounts higher than delineated in the basic support obligation schedule, or in its discretion, order supplemental payments (for education or other expenses related to the child).

The Income Shares Model adopted previously by the Family Court remains the methodology upon which the amended schedule is grounded. See Family Court Administrative Order 87-2. The amended schedule continues to calculate child support as a shared obligation wherein each parent's income is considered as if the child continues to reside in an intact household.

The new schedule shall apply to all child support orders established or modified by the Family Court on and after October 1, 2002, including temporary and final orders, and orders entered into by agreement of the parties.

#### Use of the 2002 Revised Schedule and Worksheet

The instructions for the use of the Guideline Worksheet set forth in prior Administrative Order 87-2 should continue to be followed. All other Administrative Order provisions not inconsistent with this Administrative Order shall remain in full force and effect. Prior Administrative Orders did not specifically address the definition of "Reasonable Cost" for purposes of determining an obligor's obligation for providing health insurance coverage for the child when such coverage is available through the obligor's place of employment, the concept of an equivalent cash contribution when such health insurance cost is deemed unreasonable, consideration of Supplemental Security Income (SSI) payments received by the child and treatment for the calculation of Child Support Orders in excess of the combined monthly gross income of Twenty Thousand Dollars (\$20,000). Therefore, the following procedures should be adhered to unless the Court, in its discretion, finds such application would be inequitable to the child(ren) or parents in accordance with Rhode Island General Laws § 15-5-16.2.

#### 1. Additional Minor Dependents

The Child Support Guideline Worksheet includes a required deduction for the additional minor dependents of an obligor or obligee (See line 2 (c) on Family Court form DR-30).

For additional minor dependents of an obligor or obligee, a deduction not to exceed 50% of the child support obligation for the additional child(ren) should be calculated by taking into account the combined gross income of both parents of the additional child(ren). Where the subsequent spouse of the obligor or obligee is unable to contribute to the combined gross income of the additional family by reason of death, incapacity or incarceration, the Court may, in its discretion, deduct up to 100% of the child support obligation for the child(ren) of the subsequent relationship from the gross

income of the obligor or obligee. A second Guideline Worksheet for the subsequent family need not be filed with the Court so long as the Court is satisfied that the deduction for the additional minor dependent(s) is accurate.

## 2. Priority of Support Cases

Pre-existing child support orders constitute a required deduction to gross income (line 2 (a) on the worksheet). This policy shall continue so long as compliance with the previous order is demonstrated by an obligor. In situations where no child support order has been entered for child(ren) of a prior relationship, a deduction may be allowed by the Court only if a subsequent child support order is entered for the child(ren) of the previous relationship. As such, the amount ordered in the later order may be treated as a deduction to the gross income of the obligor. The Court should, therefore, consider each child support obligation in the order in which each case is considered by the Court.

## 3. Split Custody Situations

These situations can take any form of different patterns:

Each party has one child and one person makes more income than the other. A suggested approach is as follows:

- a. Compute combined gross income of both parties;
- b. Find the support obligation from guideline schedule for two children based on combined gross monthly incomes;
- c. Deduct 50% of (b) from each person's gross income to determine adjusted gross income;
- d. Add adjusted gross income of both parties to determine total adjusted monthly income;
- e. Find the support obligation for one child based on combined adjusted monthly income found in (d);
- f. Multiply each party's percentage of (d) times (e);
- g. Deduct lower support obligation from higher support obligation. The higher earning person pays that amount.

*(Please see attached Guideline Worksheet #1 for an example of above).* =

This approach provides both children with support based on the total income available to the parties, and attempts to equalize the situation where one child lives with a parent with less income.

One parent has two or more children/other parent has one child:

- a. Same as above;
- b. Find the support obligation from guideline schedule for total number of children based on combined gross monthly incomes;

- c. Calculate pro rata share of total number of children in placement of each party;
- d. Deduct (b + c) from each person's monthly income to determine adjusted gross monthly incomes for each party;
- e. Add adjusted gross monthly income for each party to determine total adjusted gross income;
- f. Calculate each party's percentage of (e);
- g. Using total adjusted monthly income found in (e), determine each party's support obligation for number of children with each party;
- h. Multiply (f) x (g);
- i. Subtract lower support obligation found in (h) from higher support obligation. The difference is owed by the person having the higher support obligation.

*(Please see attached Guideline Worksheet #2 for an example of above).*

#### 4. Extended Visitation

No deduction from a basic child support obligation should be allowed by the Court predicated on cumulative daily, weekly or monthly visitation by the obligor with his or her child(ren). If allowed, this procedure would engender costly and time-consuming litigation over relatively de minimus adjustments. However, in the discretion of the Court, the Court on a case-by-case basis may consider the following approach in situations where an obligor can satisfactorily demonstrate that a support obligation would be inequitable under RIGL Section 15-5-16.2 by reason of significant consecutive weeks or months of physical custody of a child(ren), such as custody during summer vacations:

- a. Determine an obligor's weekly and yearly support obligation by utilizing the 2002 schedule;
- b. Determine the number of consecutive weeks during the calendar year that an obligor will have physical custody of the child(ren);
- c. Multiply the weekly support obligation by the number of weeks that an obligor will have physical custody of the child(ren);
- d. Deduct this amount from the total annual support owed by an obligor;
- e. Divide the remaining sum by 52 weeks to obtain the prorated total amount to be paid by an obligor.

Please note that if the aforementioned approach is utilized, it becomes the burden of the obligee to move to modify the prorated child support order when extended visitation does not occur as anticipated. Consequently, this approach should be used cautiously.

#### 5. Joint/Shared Physical Custody

In light of the unique nature of an individual joint or shared physical custody arrangement, the Court should exercise its discretion to determine an equitable child



support obligation in accordance with the 2002 Monthly Basic Child Support Obligations Schedule and Child Support Guideline Worksheet.

#### 6. "Reasonable Cost" for Obtaining Health Insurance

Any child covered by health insurance through the parent or parent's place of employment at the time the child support order is being established shall continue to be covered by said insurance. If the child is not currently covered by health insurance through the parent or parents' place of employment, the parent or parents shall be required to obtain said insurance through their employment so long as it is available at no cost or at a "reasonable cost."

"Reasonable cost" shall be defined as being five percent (5%) or less of the gross income of the parent. The Court, in its discretion, shall continue to retain the right to order a parent to obtain health insurance coverage even if the cost exceeds five percent (5%), if the cost is still deemed "reasonable" under all the circumstances. In multiple order cases "reasonable cost" is deemed 5% for the first order; 2.5% for the second order; 0% for all subsequent orders.

In the event that the Court determines that the cost to obtain health insurance for the child is "not reasonable", the obligor shall be required to make a five percent (5%) medical cash contribution in addition to the basic order of child support.

The Child Support Guideline Worksheet (DR-30) has been revised to reflect the medical cash contribution order. The basic order of child support shall be reflected on line 11 of the Revised Child Support Guideline Worksheet (DR-30). The medical cash contribution portion of the order shall be reflected on line 12 of the Revised Child Support Guideline Worksheet (DR-30). The Total Amount Ordered (the total of lines 11 and 12) shall be reflected on Line 13 of the Revised Child Support Guideline Worksheet (DR-30).

If the child is on RIte Care, RIte Share, or its equivalent, the expectation is the State of Rhode Island will retain the medical cash contribution.

If the child is covered under private insurance provided to the custodial parent through his/her place of employment (at a cost to the custodial parent), the expectation is that the custodial parent will retain the medical cash contribution up to his/her actual cost. If the child is covered under private insurance provided to the custodial parent through employment (at no cost or at a cost of less than five percent (5%) of the non-custodial parent's gross income) then the obligor's medical cash contribution shall not exceed the actual premium cost to the custodial parent.

In multiple order cases "reasonable cost" is deemed 5% for the first order; 2.5% for the second order; 0% for all subsequent orders.

Parents shall continue to receive an "above the line" deduction for any health insurance premium paid for the child on Line 2 (b) of the Revised Child Support Guideline Worksheet (DR-30). Parents shall now also receive an "above the line" deduction for any medical cash contribution ordered in the case under consideration or a pre-existing order on Line 2 (b) of the Revised Child Support Guideline Worksheet (DR-30).

*(Please see attached Guideline Worksheet #3 for an example of above).*

**7. Supplemental Security Income (SSI)**

If a child is the recipient of SSI payments, said payments are not to be treated as a resource of the child for purposes of modification or calculation of child support.

**8. Combined Monthly Income in Excess of \$20,000**

For combined annual income in excess of \$240,000, it is recommended that the Court exercise its discretion to order child support amounts above the obligation described for \$20,000 of combined gross monthly income. The Court should determine the monthly support obligation for \$20,000 per month in combined gross monthly income. The Court should then compute the ratio of total combined income to \$240,000 by dividing total income by \$240,000. The ratio percentage should be multiplied by the child support obligation set at \$20,000 per month to arrive at an appropriate upward adjustment.

For example, in a situation where combined gross income is \$300,000 with two children of the union, divide \$300,000 by \$240,000 and multiply the percentage by \$2,767, the minimum monthly support obligation for two children at \$20,000 combined monthly income (the maximum income set forth in the amended schedule). The computation would be as follows:  $\$300,000 \div \$240,000 = 1.25 \times \$2,767 = \$3,458.75$  monthly child support obligation for a combined annual income of \$300,000.

*(Please see attached Guideline Worksheet #4 for an example of above).*

In unique circumstances, the Court in its discretion may analyze situations with combined gross monthly income in excess of \$240,000 on a case-by-case basis to arrive at an equitable child support order predicated on the original concept discussed in Administrative Order 87-2 that a child should receive the same proportion of parental support that he/she would have received had the parents remained in the same household.

In all other respects, not inconsistent herewith, the procedures set forth in Administrative Orders 87-2 and 97-8 should be followed.

Date

  
Jeremiah S. Jeremiah, Jr.  
Chief Judge